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California Integrated Waste Management Board

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Arnold Schwarzenegger
Governor

September 19, 2005

Patricia A. Calkins
Vice President, Environment, Health & Safety
Xerox Corporation
800 Phillips Road, 0105-70C
Webster, New York 14580

Dear Ms. Calkins:

Thank you for your response to our letter dated August 8, 2005, regarding an effort by the California Integrated Waste Management Board (CIWMB) and the Department of General Services (DGS) to establish an environmentally preferable product (EPP) standard for printer and duplication cartridges. Your comments and suggestions were informative and helpful. We also very much appreciate the background information provided on Xerox's effort to reuse and recycle print cartridges containers. You are to be commended for all you have accomplished. In your letter dated August 29, 2005, you offered a number of suggestions. In an effort to continue our dialogue, I have the following responses.


I. The Scope of the EPP Standard

The scope of the standard should include those products that California state or local agencies purchase on contract. Currently, these products include printer, multifunctional device (MFD), and duplication cartridges, such as toner and inkjet cartridges. These cartridges consist of both black and colored cartridges. However, since the functional components of inkjet cartridges are technologically very different from toner cartridges, and toner cartridges constitute a considerably greater proportion of cartridges that the state purchases on contract, it is prudent to develop this EPP standard specifically for black and colored toner cartridges only. While we acknowledge that there are differences in design and specification between black and colored toner cartridges, we feel that there are sufficient similarities between the containers of black and colored cartridges to warrant the inclusion of both in this EPP standard.

II. Tier 1

As stated in our letter to the Interested Parties dated August 8, 2005, the Tier 1 benchmark included the language, "the manufacturer shall not prevent, through specific design features or manufacturing processes, print cartridges from being reused". We acknowledge that there are instances where design features are incorporated into a cartridge that enables it to perform certain functions such as monitoring of toner usage. To the extent that such design features may exclude a cartridge from EPP designation, and in keeping with our goal of easy and effective benchmarks to readily identify EPP cartridges, we propose to omit this sentence from the language of Tier 1.

California Environmental Protection Agency

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III. Tier 2, benchmark 2

The intent of benchmark 2 is that the assembled cartridge (parts and / or casing) on average would contain a minimum of 50 percent recycled-content material by weight which consists of secondary and postconsumer material with at least 10 percent by weight of postconsumer material.

We have adopted the following definition of "Recycled product", "Postconsumer material", and "Secondary material" contained in Section 12200 of the California Public Contract Code (PCC):

"Recycled product" means all materials, goods, and supplies, no less than 50 percent of the total weight of which consists of secondary and postconsumer material with not less than 10 percent of its total weight consisting of postconsumer material. A recycled product shall include any product that could have been disposed of as solid waste having completed its life cycle as a consumer item, but otherwise is refurbished for reuse without substantial alteration of its form.

"Postconsumer material" means a finished material that would have been disposed of as a solid waste, having completed its life cycle as a consumer item, and does not include manufacturing wastes.

"Secondary material" means fragments of finished products or finished products of a manufacturing process that has converted a resource into a commodity of real economic value, and includes postconsumer material, but does not include excess virgin resources of the manufacturing process.

IV. Tier 3

We would like to propose the following definitions for remanufactured, restored, renovated, or repaired:

A cartridge is considered remanufactured if its primary components come from a used cartridge. The used cartridge is subjected to a formal process, preferably using ISO 9000 (International Organization for standardization) standards or other documented standard operating procedures, of disassembly during which time its components are cleaned and to the extent necessary replaced with new or used parts. The cartridge is reassembled and a determination is made that it will operate like a similar new cartridge.

A cartridge is considered restored, renovated, or repaired if it is cleaned and its worn parts are replaced without being subjected to a formal process of disassembly and reassembly.

V. Tier 4

The intent of benchmark 4 is to ensure that manufacturers seeking an EPP designation for their cartridges have an option to attain that designation by establishing a collection program that results in remanufacturing or recycling of toner cartridges. Supplying customers with free and readily available means of returning that cartridge is an outstanding service to your customers. We appreciate that there could be an administrative cost associated with documenting the collection rate under such a program. However, the end result of a collection program should be to determine the percent of cartridges collected. Attainment of the standard through benchmark 4 should be based on returned cartridges and not simply providing customers with the means of returning a cartridge.

VI. Waste-to-energy conversion

In keeping with the California Integrated Waste Management Board's waste management hierarchy, it is preferred that the recovered material be recycled to a higher use, such as postconsumer plastic back into cartridges or durable consumer products. Under current statute, Section 40180 of Public Resources Code, material sent to a waste-to-energy facility does not qualify as recycling so it is difficult for us to consider it as such.

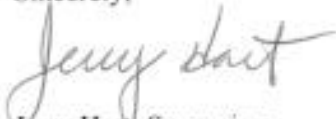
VII. Implications of these Standards to California

This standard would in no way limit or prevent any entity from buying or leasing any product or equipment they wanted. This effort is intended to provide a standard whereby purchasers who wanted to purchase EPP cartridges could determine which cartridges were EPP and which were not. Furthermore, omitting the specific design feature, i.e., the "chip", from the language of Tier 1 would hopefully remove any concern you may have about a cartridge with the "chip" that would not meet the EPP standard.

I would like to thank you again for responding to our letter with helpful comments and suggestions. I look forward to continuing our dialogue and working together towards establishing an environmentally preferable standard for printer and duplication cartridges. We will be sending out our next letter to the interested parties on September 19, 2005, and would like to encourage you to continue your assistance in this effort.

If you have any questions or comments, please contact Mr. Fareed Ferhut at fferhut@ciwmb.ca.gov or (916) 341-6482.

Sincerely,



Jerry Hart, Supervisor
Buy Recycled Section

Cc: Patty Wohl, CIWMB
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